

ASSEMBLY BILL

No. 1546

Introduced by Assembly Member Zettel

February 23, 2001

An act to amend Section 23104 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1546, as introduced, Zettel. Vehicles: reckless driving: penalty.

Existing law provides that a person convicted of reckless driving who proximately causes great bodily injury to someone other than himself or herself, and who has been previously convicted of reckless driving, speed contest, or driving under the influence, as specified, shall be punished by imprisonment in the state prison or county jail, or by fine, or by both the fine and imprisonment, as specified.

This bill would delete the requirement of a previous conviction of the specified offenses in order to impose the above punishment on a driver convicted of reckless driving who proximately causes great bodily injury to someone other than himself or herself.

This bill by expanding the scope of a crime would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 23104 of the Vehicle Code is amended to read:

23104. (a) Except as provided in subdivision (b), whenever reckless driving of a vehicle proximately causes bodily injury to any person other than the driver, the person driving the vehicle shall, upon conviction thereof, be punished by imprisonment in the county jail for not less than 30 days nor more than six months or by a fine of not less than two hundred twenty dollars (\$220) nor more than one thousand dollars (\$1,000), or by both the fine and imprisonment.

(b) Any person convicted of reckless driving ~~which that~~ proximately causes great bodily injury, as defined in Section 12022.7 of the Penal Code, to any person other than the driver, ~~who previously has been convicted of a violation of Section 23103, 23104, 23109, 23152, or 23153,~~ shall be punished by imprisonment in the state prison, by imprisonment in the county jail for not less than 30 days nor more than six months or by a fine of not less than two hundred twenty dollars (\$220) nor more than one thousand dollars (\$1,000) or by both the fine and imprisonment.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.